In the Claims

By Preliminary Amendment on June 7, 1995, Applicants cancelled claims 13-58. Applicants thank the Examiner for noting that claims 35-58 were not presented in this continuation application. Therefore, please cancel originally presented claims 13-34.

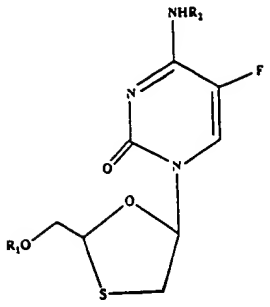
Please amend the remaining claims as follows.

1. (Amended) (±) -β-D,L-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane in racemic form, or its [physiologically acceptable derivative, or] physiologically acceptable salt.

2. (Amended) [(-)-β-L-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane,] β-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane, or its [physiologically acceptable derivative] phosphate, or a physiologically acceptable salt thereof.

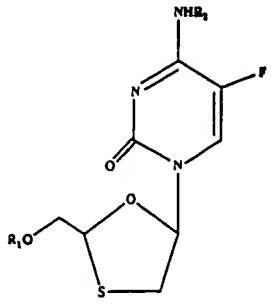
3. (Amended) (+)-β-D-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane[, or its physiologically acceptable derivative,] or its physiologically acceptable salt, in substantially pure form.

4. (Amended) [The compound of claim 1 of the structure] A derivative of racemic (±) -β-D,L-2-hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane of the formula:



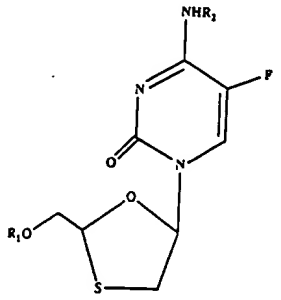
wherein R_1 and R_2 are selected from the group consisting of acetic, propionic, butyric, and pentanoic [independently alkyl; a carboxylic acid ester in which the non-carbonyl moiety of the ester group is selected from the group consisting og straight, branched, or cyclic alkyl; alkoxyalkyl; aralkyl; aryloxyalkyl; aryl including phenyl optionally substituted with halogen, C_1 to C_4 alkyl or C_1 to C_4 alkoxy; sulfonate ester; alkyl or aralkyl sulphonyl;] or R_1 can be a [the] mono, di or triphosphate ester, [or an amino acid ester,] and one of R_1 or R_2 can be hydrogen.

5. (Amended) [The compound of claim 2 of the structure] A derivative of β-D-2-hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane of the formula:



wherein R_1 and R_2 are selected from the group consisting of acetic, propionic, butyric, and pentanoic [independently alkyl; a carboxylic acid ester in which the non-carbonyl moiety of the ester group is selected from the group consisting og straight, branched, or cyclic alkyl; alkoxyalkyl; aralkyl; aryloxyalkyl; aryl including phenyl optionally substituted with halogen, C_1 to C_4 alkyl or C_1 to C_4 alkoxy; sulfonate ester; alkyl or aralkyl sulphonyl;] or R_1 can be a [the] mono, di or triphosphate ester, [or an amino acid ester,] and one of R_1 or R_2 can be hydrogen.

6. The compound of claim [3] 4 [of the structure:



wherein R_1 and R_2 are independently alkyl; a carboxylic acid ester in which the non-carbonyl moiety of the ester group is selected from the group consisting of straight, branched, or cyclic alkyl; alkoxyalkyl; aralkyl; aryloxyalkyl; aryl including phenyl optionally substituted with halogen, C_1 to C_4 alkyl or C_1 to C_4 alkoxy; sulfonate ester; alkyl or aralkyl sulphonyl; the mono, di or triphosphate ester, or an amino acid ester, and one of R_1 or R_2 can be hydrogen] wherein R_1 is mono, di or triphosphate ester.

7. (Amended) The compound of claim [4] 5, [wherein R_1 and R_2 are independently selected from the group consisting of methyl, ethyl, propyl, butyl, pentyl, hexyl, isopropyl, isobutyl, sec-butyl, t-butyl, isopentyl, amyl, t-pentyl, 3-methylbutyryl, hydrogen succinate, 3-chlorobenzoate, cyclopentyl, cyclohexyl, benzoyl, acetyl, pivaloyl, mesylate, propionyl, butyryl, valeryl, caproic, caprylic, capric, lauric, myristic, palmitic, stearic, oleic, amino acids including but not limited to alanyl, valinyl, leucinyl, isoleucinyl, prolinyl, phenylalaninyl, tryptophanyl, methioninyl, glycinyl, serinyl, threoninyl, cysteinyl, tyrosinyl, asparaginyl, glutaminyl, aspartoyl, glutaoyl, lysinyl, argininyl, and histidinyl, and one of R_1 and R_2 can be hydrogen] wherein R_1 is mono, di or triphosphate ester.

8. (Amended) [The compound of claim 5, wherein R_1 and R_2 are independently selected from the group consisting of methyl, ethyl, propyl, butyl, pentyl, hexyl, isopropyl, isobutyl, sec-butyl, t-butyl, isopentyl, amyl, t-pentyl, 3-methylbutyryl, hydrogen succinate, 3-chlorobenzoate, cyclopentyl, cyclohexyl, benzoyl, acetyl, pivaloyl, mesylate, propionyl, butyryl,

valeryl, caproic, caprylic, capric, lauric, myristic, palmitic, stearic, oleic, amino acids including but not limited to alanyl, valinyl, leucinyl, isoleucinyl, prolinyl, phenylalaninyl, tryptophanyl, methioninyl, glycinyl, serinyl, threoninyl, cysteinyl, tyrosinyl, asparaginyl, glutaminyl, aspartoyl, glutaoyl, lysinyl, argininyl, and histidinyl, and one of R_1 and R_2 can be hydrogen] β-2-Hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane, or its mono, di, or triphosphate ester.

9. (Amended) [The compound of claim 6, wherein R_1 and R_2 are independently selected from the group consisting of methyl, ethyl, propyl, butyl, pentyl, hexyl, isopropyl, isobutyl, sec-butyl, t-butyl, isopentyl, amyl, t-pentyl, 3-methylbutyryl, hydrogen succinate, 3-chlorobenzoate, cyclopentyl, cyclohexyl, benzoyl, acetyl, pivaloyl, mesylate, propionyl, butyryl, valeryl, caproic, caprylic, capric, lauric, myristic, palmitic, stearic, oleic, amino acids including but not limited to alanyl, valinyl, leucinyl, isoleucinyl, prolinyl, phenylalaninyl, tryptophanyl, methioninyl, glycinyl, serinyl, threoninyl, cysteinyl, tyrosinyl, asparaginyl, glutaminyl, aspartoyl, glutaoyl, lysinyl, argininyl, and histidinyl, and one of R_1 and R_2 can be hydrogen] β-2-hydroxymethyl-5-(5-fluorocytosin-1-yl)-1,3-oxathiolane, or its mono phosphate ester .

10. (Amended) The compound of claim [7] 4, wherein R_1 is [n-butyl] butyric and R_2 is hydrogen.

11. (Amended) The compound of claim [8] 5, wherein R_1 is [n-butyl] butyric and R_2 is hydrogen.